

MINUTES OF THE OPEN SESSION

OF THE RHODE ISLAND ETHICS COMMISSION

January 13, 2015

The Rhode Island Ethics Commission held its 1st meeting of 2015 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, January 13, 2015, pursuant to the notice published at the Commission offices, the State House Library, and electronically with the Rhode Island Secretary of State.

The following Commissioners were present:

Ross Cheit, Chair Deborah M. Cerullo SSND

Robert A. Salk, Secretary Mark B. Heffner*

Frederick K. Butler John M. LaCross

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason Gramitt, Education Coordinator/Staff Attorney; Staff Attorneys Teresa Giusti and Amy C. Stewart; and Commission Investigators Steven Cross, Peter J. Mancini and Gary V. Petrarca.

At 9:02 a.m., the Chair opened the meeting. The first order of

business was:

Approval of minutes of the Open Session held on November 18, 2014.

Upon motion made by Commissioner Butler and duly seconded by Chair Cheit, it was

VOTED: To approve minutes of the Open Session held on November 18, 2014.

AYES: Robert A. Salk; Frederick K Butler; Ross Cheit.

ABSTENTIONS: John M. LaCross; Mark B. Heffner; Deborah M. Cerullo.

The next order of business was:

Advisory Opinions.

The advisory opinions were based on draft advisory opinions prepared by Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date.

The first advisory opinion was that of:

Dean G. Robinson, Esq., the recently appointed Deputy Probate Judge for the City of East Providence, who is also an attorney in

private practice, requesting an advisory opinion regarding whether, in order to avoid a hardship to preexisting clients, he may file Affidavits of Complete Administration with the East Providence Probate Court to close two estates.

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present. Upon motion made by Commissioner Cerullo and duly seconded by Commissioner Butler, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Dean G. Robinson, Esq., the recently appointed Deputy Probate Judge for the City of East Providence.

[Commissioner Heffner recused from Mr. Robinson's advisory opinion.]

The next advisory opinion was that of:

James A. Briden, Esq., a former member of the East Providence City Council, requesting an advisory opinion regarding whether the Code of Ethics prohibits him and other members of his law firm from representing clients before the East Providence Probate Court and the East Providence Municipal Court within one year from the date of his official severance from the City Council.

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner LaCross and duly seconded by Commissioner Cerullo, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to James A. Briden, Esq., a former member of the East Providence City Council.

The next advisory opinion was that of:

Michael W. Carroll, Esq., a member of the Barrington Town Council, requesting an advisory opinion regarding whether the Code of Ethics prohibits him from participating in the Town Council's review of its contract with the East Bay Rowing Club, given that he pays a fee for his dependent son to be on the East Bay Rowing Club team

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner Heffner and duly seconded by Commissioner Butler, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Michael W. Carroll, Esq., a member of the Barrington Town Council.

[Commissioner LaCross recused from Mr. Carroll's advisory opinion.]

The final advisory opinion was that of:

Virginia Lee, a member of the Charlestown Town Council, requesting an advisory opinion regarding whether the Code of Ethics prohibits her from participating in Town Council discussions and decision making relative to ground water pollution, including as a member of the Town Council's Working Group on Potable Water and as the Town Council's liaison to the Town's Wastewater Management Commission, given that her house is located in a section of Town where there are specific concerns relating to water quality and wastewater disposal.

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner LaCross and duly seconded by Commissioner Heffner, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Virginia Lee, a member of the Charlestown Town Council.

The next order of business was:

Director's Report.

Executive Director Willever reported that there were nineteen (19)

complaints and four (4) advisory opinions pending. He stated that nineteen (19) APRA requests were granted since the last meeting, seventeen (17) of which were completed within one (1) business day. He also noted that many of these complaints will be scheduled for hearings at upcoming meetings.

The next order of business was:

Executive Session.

At 9:21 a.m., upon motion made by Commissioner Cerullo and duly seconded by Commissioner Heffner, it was unanimously

VOTED: To go into Executive Session, to wit:

- 1. Motion to approve minutes of the Executive Session held on November 18, 2014, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 2. In re: Stephen Tetzner, Complaint No. 2014-15, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 3. In re: Christopher Beauchamp, Complaint No. 2014-10, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 4. In re: Peter Palumbo, Complaint No. 2014-6, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

5. In re: Kenneth Parilla, Complaint No. 2014-4, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

6. In re: Denise L. Rhodes, Complaint No. 2014-20, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

7. In re: Christopher Warfel, Complaint No. 2014-5, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

8. In re: Bonnita Van Slyke, Complaint No. 2014-21, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

The Commission reconvened in Open Session at approximately 10:55 a.m.

***Commissioner Heffner left the meeting during Executive Session at 10:48 a.m.**

Upon motion made by Commissioner Cerullo and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To seal the minutes of the Executive Session held on January 13, 2015.

The next order of business was:

Report on Actions Taken in Executive Session.

Chair Cheit reported that the Commission took the following actions in Executive Session:

1. Approved the minutes of the Executive Session held on November 18, 2014.

The vote was as follows:

AYES: Robert A. Salk; Frederick K. Butler; Ross Cheit.

ABSTENTIONS: John M. LaCross; Deborah M. Cerullo.

[*Commissioner Heffner was not present at the time of this vote.]

2. Unanimously voted to approve an Informal Resolution & Settlement in the matter of In re: Stephen Tetzner, Complaint No. 2014-15.

3. Unanimously voted to approve an Informal Resolution & Settlement, as amended, in the matter of In re: Christopher Beauchamp, Complaint No. 2014-10.

4. Unanimously voted to approve a First Extension of Time in the matter of In re: Peter Palumbo, Complaint No. 2014-6.

5. In the matter of In re: Kenneth Parilla, Complaint No. 2014-4, unanimously voted to find that probable cause does not exist to believe that the Respondent, a member of the Westerly Town Council, violated the Code of Ethics by failing to recuse from certain matters before the Westerly Town Council. Therefore, the complaint was dismissed with prejudice.

6. In the matter of In re: Denise L. Rhodes, Complaint No. 2014-20, unanimously voted to find that probable cause exists to believe that the Respondent, a candidate for municipal elected office in 2014, violated the Code of Ethics by failing to timely file a 2013 Financial Disclosure Statement in violation of R.I. Gen. Laws § 36-14-16(c).

7. In the matter of In re: Christopher Warfel, Complaint No. 2014-5, unanimously voted to find that probable cause exists to believe that the Respondent, a member of the New Shoreham Town Council, violated the Code of Ethics by representing the interests of his company, Entech Engineering, Inc., before the New Shoreham Town Council on August 28, 2013, in violation of R.I. Gen. Laws § 36-14-5(e).

8. Unanimously voted to initially determine that the facts alleged in In re: Bonnita Van Slyke, Complaint No. 2014-21, if true, are sufficient to constitute a knowing and willful violation of the Code of Ethics and authorized an investigation.

The final order of business was New Business. There being none, at 10:58 a.m., upon motion made by Commissioner LaCross and duly seconded by Commissioner Cerullo, it was unanimously

VOTED: To adjourn.

Respectfully

submitted,

Robert A. Salk
Secretary